



# COUNTY OF SAN DIEGO

## DEPARTMENT OF PLANNING AND LAND USE: Zoning

### VARIANCE APPLICANT'S GUIDE

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#### NOTE TO THE PUBLIC

Please use this check list to determine whether your application is complete before you bring it in to file. If your application is not complete, it may not be accepted for processing.

#### PART I – DOCUMENTS

For both the Administrative and Standard Variance the following documents must be included in the application at the time of submittal.

☐ **Application** (DPLU #346). Make sure all the lines in the front page are filled in. Most Variances do not involve an engineer so for that section put N/A. The signature at the bottom must be the owner or the Authorized Agent of the owner. If an Authorized Agent be sure to include a letter of Authorization. The back will be filled in by staff at intake.

☐ **Supplemental Application** (DPLU #346S). The purpose of the Supplemental Application is to provide a precise description of the proposed Variance(s). Include the number of The Zoning Ordinance Section that specifies the requirement, the Development Regulation requirement and the Variance requested.

☐ **Applicant's Statement of Justification.** Section 7107 of The Zoning Ordinance requires the six (6) findings be made before a Variance can be granted. If any of the findings cannot be made, the Variance must be denied. Therefore, it is important that the applicant be thorough in completing this part.

- 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the vicinity and under identical zoning.**

Describe conditions which are special to this property in comparison to other properties under identical zoning in this vicinity. These special circumstances can relate to problems involving topography, legally imposed encumbrances such as easements and roads, unusual size and configuration of the property, and areas of inundation including watercourses, swamps and streams. **Special circumstances do not include development designs which represent a self-imposed hardship.**

- 2. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.**

Describe the privileges enjoyed by other property in the vicinity under identical zoning that are being deprived by the strict application of the Zoning Ordinance. Do not include structures or activities that are operating without permits (illegally).



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- 3. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.**

Describe how the requested variance will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity

- 4. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification.**

Describe how the use or activity is expressly authorized by the applicable use classification.

- 5. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located.**

Describe how the requested Variance will not be detrimental to the public health, safety or welfare or injurious to property in the vicinity. This description may include the assurance of adequate sight distance for traffic, adequate separation of the proposed project from other properties or structures, concurrences of other public agencies such as the Department of Environmental Health and adequate screening such as vegetation and topography.

- 6. That granting of the Variance will not be incompatible with the San Diego County General Plan.**

The granting of Variances relating to setbacks, heights and vehicle/bicycle parking are not subject to General Plan conformance and requests for such Variances should state that they are exempt.

However, review of General Plan compatibility is required on Variances involving lot area reduction or increase in the number of dwelling units. Relevant information may include zone and lot size in the surrounding area.

- ☐ Evidence of Legal Parcel (DPLU #320). Applicant completes the top portion. Applicant must provide satisfactory evidence of legal parcel status at intake. Refer to DPLU G-3 for further information.
- ☐ Disclosure Statement (DPLU #305). Must be completed, signed and dated.
- ☐ Variance Advisory Form (DPLU #222). Must be signed and dated.
- ☐ Agent Authorization Letter (if applicable). A signed letter authorizing the applicant to apply for the Variance is necessary if the applicant is not the owner(s). See Section 7104 of The Zoning Ordinance for further information.
- ☐ Notice to applicants for Site Plans, Variances, Administrative Permits and Use Permits (DPLU #581)

- ☐ Environmental Documents. **Applicable only for the reduction in minimum lot size requirement when one or more new lots will be created** and must be filled concurrently with subdivision application.
- ☐ Four (4) copies of Application for Environmental Initial Study (AEIS).
- OR**
- ☐ Five (5) copies of Draft Environmental Impact Report (EIR) and two (2) copies of the letter requesting waiver of an AEIS.
- OR**
- ☐ A letter requesting a determination that the previously certified ND or EIR adequately covers the requested Variances. See DPLU #366 for details.
- OR**
- ☐ Special Handling Form (DPLU #341) waiving the environmental documents required at intake.

## **PART II – PLOT PLANS**

- ☐ **Plot Plan.** All plot plans should contain sufficient information to describe the project. The following is a list of information pertinent to a Variance plot plan. All of this information may not be pertinent to every proposal, but where applicable it should be included.
- ☐ **Number of copies** – see coversheet of application.
- ☐ **Size** – Plot plans must be 11" x 17" (**Folded to 8 ½" x 11" with the lower right-hand corner exposed. Multiple sheets must be stapled into sets.**)
- ☐ **Legibility** – The plot plan must be legible. Faded prints or excessively dark prints which are difficult to read or reproduce clearly are not acceptable.
- ☐ **North arrow/Scale** – A north arrow is necessary to establish the direction of the map. An engineer's scale is required (e.g., 1" = 20').
- ☐ **Assessor's number** – Include the Assessor's book, page and parcel numbers on the plot plan.
- ☐ **Dimensions** – Show the following dimensions: Exterior property lines, widths of roads and easements, size of structures, setbacks from property lines and centerlines to existing and/or proposed structures, distances between detached structures.
- ☐ **Structures** – Show all existing and proposed structures and their dimensions and floor area, including buildings, sheds, storage areas and recreation facilities such as swimming pools and playgrounds. Indicate number of stories of buildings. Indicate if structures are existing or proposed. Label buildings and open areas as to their use. Show fences, walls, trash enclosures or dumpster locations.
- ☐ **Pedestrian and vehicular circulation and parking** (commercial/industrial/multi-family only) – Show walkways, driveways, entrances, exits and parking lots areas with all dimensions. Label handicapped parking. Show contiguous streets with centerlines and all easements. Show parking for service and delivery vehicles and loading and unloading areas.
- ☐ **Drainage** – Indicate any natural drainage (including streams) and any proposed drainage systems. Show the slope of the property and any proposed grading.

- ☐ **Existing natural features** – Indicate trees with over a 6” trunk diameter, streams, rock outcroppings and locations of flood zones. Extensive natural features may be shown on a separate drawing.
- ☐ **Signs** – Show all proposed and existing signs that will remain. Include elevation drawings with dimensions (area and height) and construction materials indicated and proposed method of illumination.

### **PART III – PUBLIC NOTICE**

Must contain all of the following items:

- ☐ **Administrative Variance** (DPLU #384 – Consent to Granting of Variance). Cross-check between the names, APNs and the Assessor’s map(s).
  - ☐ Owner’s names, signatures and Assessor’s Parcel Numbers.
  - ☐ Assessor’s Map(s) with parcel numbers colored and labeled with property owner’s names.
  - ☐ (*Staff*). Label the type of administrative Variance by percentage (25%, 50%) in the top right corner.

**OR**

- ☐ **Standard Variance**
  - ☐ Typed list of owner’s names, addresses and APNs within 300 feet of the site.
  - ☐ Assessor’s Page(s) property marked.
  - ☐ One (1) set of stamped and addressed business sized envelopes for each owner listed. No postage metering allowed. DPLU will provide the return address.
  - ☐ One set of gummed labels on 8 ½” x 11” sheets containing the names, addresses and Assessor Parcel Numbers of all property owners. The names on these labels must match the typed list. These labels are necessary for a possible appeal.
  - ☐ Public Notice Certification (DPLU #514) completed and signed.